OPINION

BY RAFIA ZAKARIA

Cruelty in marriage

OFTEN decades pass without any improvement in the status of women in Pakistan. Women in public roles — from social media influencers to politicians — are killed but no one is held responsible. And while ostensibly pro-women laws are passed, there is no enforcement — accusers who wrongfully allege adultery or men who beat their wives literally get away with murder. For many women, death is likely a respite from the abuse, strictures and thankless toil Pakistani society has heaped upon them.

But there are days when hope arises. Last week, the detailed judgement by the Supreme Court's Justice Ayesha Malik presented just such a remarkable moment. In a 17-page decision, Justice Malik made some landmark rulings, notably that cruelty in marriage, which can be grounds for dissolution, includes factors apart from physical abuse. Second, that a second marriage without a wife's consent is grounds for dissolution as well.

The story begins in Peshawar, where a woman initially filed a case in the family court. After her *rukhsati* in 2016, the petitioner shifted to her husband's house, where according to her, her husband and his family were regularly verbally and emotionally abusive towards her. She was slapped and bruised, but the family ignored it. Male domestic staff had access to her living quarters and she was also thrown before her husband's pet dogs, which added to her fear. Even when the couple moved to their own place, the husband remained out with his friends until two or three in the morning. The wife said she often did not have enough food to eat and at one time had to have the police called so that she could leave. For his part, the respondent (the husband) insisted that the wife was only interested in her career and not in being a wife.

The husband took a second wife, after which the woman filed a suit for dissolution of the marriage in the family court. The abused wife had to leave the marital home. It was found that the family court did not assess the evidence as it should have. When people said that they had seen the physical injuries on the wife, it was ruled that they could not be believed because they had not been physically present during the beating. In her decision, Justice Malik bravely notes how the lower courts failed to accord proper weight to the wife's statements in 'determining' that no abuse had taken place. Even worse, the Peshawar High Court, upheld this finding. Instead of dissolution, a *khula* was granted, "without her consent". The family court initially wanted her to forfeit her dower — a plot of land, 30 tolas of gold and Rs500,000.

In her landmark decision, Justice Malik noted first that a court cannot grant a *khula* without the wife's consent. She indicates that the family court had erred by not dissolving the marriage and granting *khula* instead. She notes that "cruelty" which is the statutory requirement in the relevant law (Dissolution of Muslim Marriages Act, 1939) means not only physical violence but also "encompasses physical harm; such as slaps, beatings or assault, as well as mental cruelty, such as humiliation, verbal abuse, or unfounded allegations of unfaithfulness in a marriage; emotional cruelty, such as neglect or indifference; and, at times, the broader environment of the marriage, such as hostility in the home or oppressive behaviour by in-laws tolerated or encouraged by the husband". Justice Malik recognises that in this case, cruelty, taking a second wife without permission and nonpayment of maintenance all constitute grounds for dissolution under the DMMA. The decision clarifies that if a husband does not obtain his wife's consent for a second marriage he must petition the Union Council, which would then convene an Arbitration Council. It stands to reason that without this process, a second marriage would violate the law.

> A landmark judgement provides a glimmer of hope for women.

This judgement will hopefully make it easier for abused Pakistani women to obtain a dissolution, without forfeiting their rights to dower. In this case, the wife's knowledge and bravery in not only knowing her rights but also in persisting in trying to get them are to be highly commended. Because of her and this ground-breaking decision, millions of women in Pakistan can stop being forced to accept *khula* when they are owed a dissolution due to their husband's cruelty, neglect or second marriage. As the wedding season starts, all women and their relatives must emphasise the need to pay attention to the rights and clauses in *nikahnamas*, which are their legal and religious safeguards against abusive spouses. ■

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BY SAMIR AHMED

Regulating crypto

GOVERNMENTS everywhere are rethinking how digital value should be governed. In an earlier article ('Crypto moment?') on these pages in September, I had surveyed the evolving landscape for cryptocurrencies and other digital assets (DAs) in Pakistan. To close, it was emphasised that while this is an area with much potential, the quality of government regulation would be critical to its growth and success.

The irony at the heart of cryptocurrency regulation is that the original design envisaged a decentralised digital asset, free of government oversight or control. A libertarian vision, if you will. Regulation will compromise this design. Yet, if cryptocurrencies aspire to something beyond a small niche in the global financial system, some degree of regulation is inevitable.

The financial sector is the most closely regulated sector globally. The underlying rationale has two aspects. Any malfunction or breakdown of the sector hits the savings and financial well-being of citizens and causes systemic risk to the broader economy. Pakistan has long operated a twin-regulator model: the SBP for banking and the SECP for financial markets. In July 2025, the Virtual Assets Ordinance (VAO) was enacted, creating the Pakistan Virtual Assets Regulatory Authority (PVARA), a third regulatory body.

The need for a new regulatory body is questionable. Building new institutions from scratch is never easy and Pakistan's experience is bleak. We have a paucity of quality human resources and a history of external pressures, compromising the working of most of our regulatory bodies. SBP and SECP each have decades of rich experience and a certain clout and track record, albeit with lapses. These institutional strengths should have been leveraged. Globally, only two countries have separate regulators for DAs — the UAE and El Salvador — which is telling.

Nevertheless, accepting PVARA as a fait accompli, to design effective regulation, we might look to global principles. The International Organisation of Securities Commissions (IOSCO), the global association of securities regulators, has three core objectives of regulation: protecting investors; ensuring that markets are fair, efficient and transparent; and reducing systemic risk. Everything flows from these objectives.

One of the IOSCO's principles is uniformity across markets. It stated in November 2023 that it wants "optimal consistency in the way crypto-asset markets and securities markets are regulated … in accordance with the principle of 'same activities, same risks, same regulation/ regulatory outcomes'". In other words, crypto markets should not be exempt from the tried and tested principles of regulation. To do otherwise would present two serious problems. It would encourage regulatory arbitrage, whereby investors and participants move to less regulated markets with looser oversight, heightening systemic risk. It would also undermine the principle of competitive neutrality, the idea that various economic activities should compete on an even footing, without government favours.

Business lobbies always argue for special treatment. Tech and tech-based industries are especially fond of this argument globally, on the basis that what they are doing is so new that the old rules don't apply. This must be resisted. Practically, regulation always has to strike a balance between managing risk and innovation. The onus is on industry to innovate, not the regulator. The regulator has only to takecarethatitdoesn't stifle innovation.

> Some degree of regulation is inevitable.

VAO envisages permitting a range of activities to establish an ecosystem for the issuance, trading and custody of DAs. Going forward it will be critical that only credible parties are licensed. It is a hallmark of financial regulation that licensing is very selective and the subsequent supervision very stringent.

The sequencing of permitted activities is also important. Stablecoins, a special kind of cryptocurrency, will probably be the first to be permitted. Stablecoins are backed 1:1 with real assets, which provides a rigorous basis for their valuation, thus eliminating the speculation and violent price fluctuations other cryptocurrencies experience. Internationally, many jurisdictions are focusing on this area. In July 2025, the US enacted the GENIUS Act, its first federal law establishing a framework for stablecoins.

DAs hold the promise of great innovation. A prime case in the Pakistani context could be inward remittances, where their usage can significantly improve speed, efficiency and cost for consumers. More broadly, in an informal, underbanked system like ours, DAs can deliver on the old promise of financial inclusion to a large number of citizens. Over to you, PVARA. ■

The writer is a member of the Economic Advisory Group.
eag.org.pk

FROM THE PAST PAGES OF DAWN

1975 | Fifty years ago

Talks with all

RAWALPINDI: ThePrime Minister, Mr Zulfikar Ali Bhutto, tonight [Oct 31] called upon the nation to foil the attempts of the forces working against the sovereignty and integrity of Pakistan. Commenting on the Supreme Court decision vis-a-vis NAP, Mr Bhutto said though there was no question of negotiations with traitors the doors for a dialogue with the parties for a political settlement could not be closed. The next step to be taken in this regard would be decided by the people.

[Mr Bhutto] extended the hand of friendship to Afghanistan for resolving the differences and improving relations, but warned Afghanistan against interfering in the internal affairs of Pakistan. Mr Bhutto said he was prepared to go to Afghanistan any day… . He said ever since Pakistan came into being — even while the Quaid-i-Azam lived — NAP leaders had been talking against Pakistan and indulging in subversive activities… . Mr Yahya Khan banned the organisation. But, Mr Bhutto said, he had lifted the ban… . The [PM] said all talk about the postponement of elections was uncalled for. He said not only the elections would be held, there would be fair and impartial elections. "This is my pledge to the nation." — News agencies

1950 | Seventy-five years ago

Search for uranium

QUETTA: Baluchistan's hilly tracts which geologists claim contain vast mineral treasures may now be tapped for uranium — the atom mineral. Mr H.M. Habibullah, Vice-President of the World Federation of United Nations Associations, told the UPP here today [Oct 30] that he had ordered from the USA the uranium detecting instrument "Geiger Counter"… . He said that the instrument had been acquired with great difficulty… .

The instrument, he added, detects both uranium and radium ores which are used in the atom bomb. He thought that there were possibilities of discovering the two ores in the dry mountains of Baluchistan which are treasure-houses of many precious minerals. If uranium is discovered, it would open up a new era of prosperity and strategic importance of Baluchistan in world affairs. — News agencies

[Meanwhile, as reported by Dawn's special representative in Lahore,] Khan Iftikhar Hussain Khan of Mamdot, former Premier of the Punjab, resigned from the Muslim League on Tuesday [Oct 30]. … The Khan Sahib has announced the formation of a new political party to be known as Jinnah Muslim League.

LETTERS TO THE EDITOR

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Letters may be edited for purposes of clarity and space. All letters should carry the writer's address, CNIC and phone numbers.

Trump-Netanyahu bromance at stake

THIS is with reference to the report 'Despite truce, Israel insists it calls the shots in Gaza' (Oct 27). Just days earlier (Oct 22), Israel's parliament had voted in favour of a bill which practically related to the annexation of West Bank. It is clear that Israel is in the middle of a stunning act of political defiance, effectively nullifying United States President Donald Trump's Gaza Peace Plan.

The move blindsided Washington's diplomatic team, particularly Vice-President JD Vance, who was in Tel Aviv precisely to secure Israel's commitment to compliance.

According to US officials, who were cited by various international wire services, the vice-president regarded the Israeli resolution as a deliberate breach of trust and a personal affront, describing it privately as an insult.

Initially, Israeli Prime Minister Benjamin Netanyahu had appeared cautiously supportive, but domestic political pressures led by far-right factions within his coalition seem to have left him with no choice but to keep pushing ahead with the Greater Israel plan. However, the Israeli approach has left Washington's credibility as an honest peace broker hanging in the balance. The emerging scenario, many analysts believe, is more than symbolic, unveiling the widening gap between an American administration seeking stability and an Israeli government increasingly driven by nationalist ideology.

For decades, the US-Israel partnership has rested on three basic pillars; security cooperation, political alignment, and shared democratic ideals. But when an ally openly defies the American administration and undermines a peace framework painstakingly negotiated by Washington, there have to be repercussions. The US currently provides Israel with roughly $3.8 billion in annual military aid, most of it unconditional. That policy is now facing bipartisan scrutiny in Congress.

Across the Middle East, the shockwaves have been immediate. Saudi Arabia, the United Arab Emirates (UAE) and Egypt — all early supporters of Trump's peace initiative — condemned Israel's annexation vote as an act of deliberate sabotage. Turkiye and Iran warned that continued aggression could trigger regional retaliation, language that has raised fears of a broader conflagration.

Analysts point out that these countries, along with Pakistan, now possess credible deterrent and precision-strike capabilities that could drastically alter Israel's strategic calculus if the US withdraws its protective shield.

Even without direct confrontation, the diplomatic cost for Israel is now mounting. The European Union has suspended preferential trade talks, and the United Nation General Assembly has called an emergency session to debate sanctions related to settlement expansion. For the first time in decades, Israel finds itself not only at odds with its adversaries, but estranged from its oldest allies.

The illusion of invincibility can blind a nation to its own vulnerabilities. Israel's defiance may appear, to some, as a show of resolve. In truth, it rather reveals fragility — a dependence on foreign backing, on perpetual mobilisation, and on the dangerous illusion that peace can be achieved through dominance.

Qamar Bashir
Islamabad

Pharmacists' woes

THE current situation being faced by the community of pharmacists in the country is alarming. Pharm D pharmacists connect chemical sciences to health sciences, and Pharm D professionals are considered an authority on the medication process. Unfortunately, the role of pharmacists has not been recognised as yet by healthcare policymakers in the country.

Imagine the plight of pharmacists and the step-motherly treatment being meted out to them from the fact that Punjab government has rolled back 170 seats of pharmacists that were in their final stages. This has created unrest among pharmacists who were called for pre-recruitment interviews. There is already an acute shortage of pharmacists at retail pharmacies. Regulators have miserably failed to implement the provisions of various regulations meant to ensure the sale of drugs under the supervision of pharmacists.

Pharmacists throughout the world are recognised as trusted healthcare professionals, and people consult pharmacists for their minor ailments, and they provide cognitive services, like monitoring blood pressure, blood sugar, etc. However, in Pakistan, pharmacies offering such services are often sealed and booked for the offence of indulging in quackery.

It is high time the Pharmacy Council of Pakistan and the Pakistan Pharmacists Association took notice of the situation to redress the grievances of pharmacists starting community pharmacy services.

Dr Farooq Bashir Butt
Lahore

KU transport blues

THIS is with reference to the report "'Point' bus runs over, kills KU student on campus" (Oct 11). This was surely not the first such accident at Karachi University (KU).

Incidents like these have become disturbingly common. Overcrowded KU buses have been involved in all sorts of accidents. Add to that the poor, almost dangerous condition of the vehicles, and you get a picture of just how careless the system is about the safety of its own students. The situation raises serious questions about the priorities of an educational institution that is taking young lives rather than nurturing young minds.

Parents send their children to KU with hope and trust, but what they get in return is fear and uncertainty. They must raise their voices to demand accountability. It is not just about negligence anymore; it is about the safety and lives of young individuals. The administration must be made to explain what it does in terms of ensuring the maintenance and safety of the transport system.

The relevant authorities must take immediate and concrete action to address the problem before another life of a student is lost. There has to be accountability in a system that has apparently long forgotten the value of a young life.

Hudesa Imam
Karachi

Valet parking

A FEW days ago, I gave my car for valet parking at a hotel. I went inside to attend a meeting and placed the valet card in the papers in front of me. I left the room for a few minutes, and did not check my papers on return. At the end of the meeting, I did not find the valet card in my papers. A little worried, I told the valet personnel that the card had been lost. Just when I was talking to the person, I saw a valet driver bringing my car from the parking lot. When I told him that it was my car, he refused to accept my word, and told me that someone else had given the card to him. I was stunned.

A friend of mine, who had been sitting next to me in the meeting and was also waiting for his car, stepped forward to tell me that he had picked up my card from the table by mistake.

I was lucky that the matter got resolved quickly and favourably. Otherwise, I could have well watched someone taking away my car right in front of my eyes. It was only then that I realised the importance of keeping the valet card in safe custody.

Parvez Rahim
Karachi

Loopholes galore

EARLIER this year, a Federal Board of Revenue (FBR) official, testifying before the Senate Standing Committee on Finance and Revenue, had mentioned that more than Rs2.2 trillion had been lost to tax evasion in the last two years owing to 'fake' and 'flying' invoices. This is a significant amount, which, if collected, would have enabled the government to provide relief to the people, especially the salaried class which contributes immensely to the national kitty.

When the government could estimate the amount of tax evasion, and knew the specific area and mode of leakage, one wonders why no action was taken. The federal government and the Special Investment Facilitation Council (SIFC) claim to be trying hard to put the economy on the right track, but are still not pursuing such massive leakages aggressively. Why?

More than the amount of tax lost over the past two years, people should feel concerned about the transparent usage of the taxes actually collected. There is massive corruption leakages and wastage due to bad governance. An audit report had reported irregularities worth over Rs1 trillion in Punjab during the 2024-25 fiscal. Has someone started investigating such cases?

As taxpayers, we are worried about what is going on in the country, and we are desperate to know where our taxes are going. There is an urgent need to take appropriate action across the board, and book all those involved regardless of the socioeconomic class they belong to.

Hasan Tharani
Karachi

▶ **LIBRARY CRISIS:** Quetta, the capital of Balochistan, has only two public libraries with a seating capacity of less than a thousand students. During my recent stay in the city, I went to study at the Quaid-i-Azam Library. Early in the morning, I saw hundreds of students waiting for the library to open, and within 30 minutes, all the seats were filled. As a result, many students are forced to rely on private libraries that charge very high fee. Thousands of students come to Quetta for educational purposes, but library facilities, unfortunately, remain extremely limited. The government should take notice of the issue, and improve the public library system in the provincial capital.
Younus Baloch
Turbat

▶ **CULTURE OF ENTITLEMENT:** One cannot escape the spectacle of official vehicles violating traffic norms with ostentatious recklessness. These luxury vehicles, funded entirely by taxpayers' money, appear mysterious and intimidating due to darkened windows. More often than not, these cars are driven by chauffeurs, while the officials themselves are not even there. They bully fellow citizens into giving way, honk aggressively, and treat the public as if they are subservient to them. This culture of entitlement is deeply troubling. Respect for traffic laws is not a matter of privilege, but a civic duty. Senior officials must take notice, and issue clear instructions that official vehicles are not symbols of power, but actual instruments of service.
Zishan Ahmad Siddiqi
Islamabad

▶ **ROBUST REFORMS:** The government's execution of the structural adjustment programme has been robust and laudable. Notable progress has been achieved in several key areas crucial for long-term governance. Furthermore, Pakistan is also moving forward with reforms under the resilience and sustainability facility (RSF), which integrates climate considerations into fiscal planning. This demonstrates policy maturity, moving beyond mere financial stabilisation to incorporating systemic resilience.
Muhammad Dawood Ahmad
Lahore

External Ombudsman

Veteran journalist Muhammad Ali Siddiqi is *Dawn's* External Ombudsman (DEO). His duty is to attend to our readers' complaints, and to respond to them professionally. DEO is the investigating authority to whom all complaints can be referred, and it is DEO who takes notice of any alleged violations of *Dawn's* code of ethics, and informs the Editor for appropriate action.
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